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10/036,982	12/31/2001	William E. Ryan JR.	F-423	5328

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PITNEY BOWES INC.
35 WATERVIEW DRIVE
P.O. BOX 3000
MSC 26-22
SHELTON, CT 06484-8000

EXAMINER

RODRIGUEZ, JOSEPH C

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/036,982
Filing Date: December 31, 2001
Appellant(s): RYAN ET AL.

George M. Macdonald
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 5, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims for claims 1-11 contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because claims 7-10 do not depend from claim 3 but from claim 1, thus it is not clear how claims 3-10 can stand and fall together if Applicant's argument for this grouping is entirely based on a feature in claim 3.

The claims should be grouped as follows:

Group I: Claims 1, 2, and 7-10

Group II: Claims 3-6

Group III: Claim 11

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

20003/0058099 A1	Lopez et al. ("Lopez")	4/30/02
2002/0124664 A1	Call et al. ("Call")	2/1/2002
6,303,889 B1	Hayduchok et al.	10/16/2001
6,169,936 B1	Lohmann	1/2/2001

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

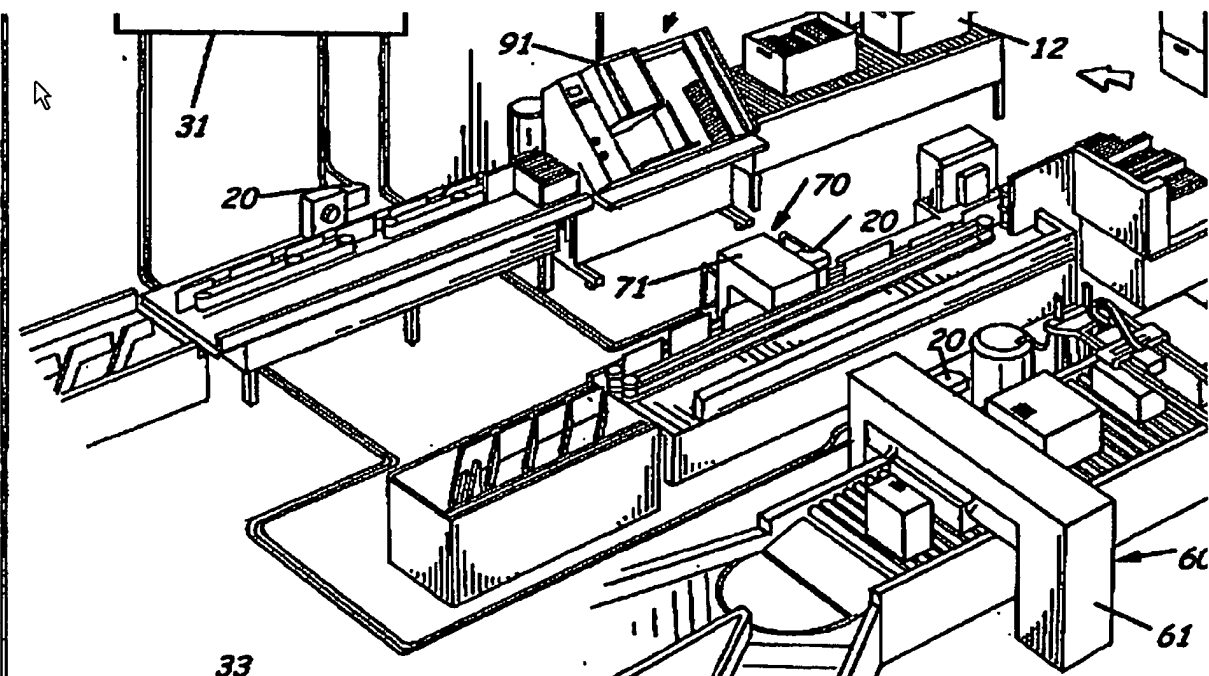
Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez et al. ("Lopez")(US Pub. No. '099) in view of Call et al. ("Call")(US Pub. No. '664).

Lopez teaches a system (Fig. 1-4) comprising a component for feeding and singulating (near 70, 90), a detecting module (20), a diverter (Fig. 1, box 110, 116; para. 47), a system for reading and determining (107, 108, 109, 112), and a bin module (Fig.

4, near ends of letters and flats conveyors as shown on next page), wherein Lopez teaches diverting mail to a collection module (i.e., separate container or isolation station) for further processing (Fig. 1, box 110, 116; para. 37, 47)

Regarding claim 2, the control system is regarded as inherent in the processing system taught by Lopez (para. 47).

Regarding claims 3-9, Lopez teaches the detection module as claimed by Applicant (Fig. 4, near 20; para. 34, 44, 51). In particular, the excerpt from figure 4 included below clearly shows a first and second set of driven belts, which can also be regarded as guide walls, creating a feed path with a gap in front of the first letters and flats detection apparatus (near 20 in upper left corner).



Regarding claim 10, Lopez teaches a detection area containing a singulating component and detection module (as pictured on prior page) as well as a collection module (not pictured but implicit from Fig. 1, box 110, 116; para. 37, 47).

Lopez as set forth above thus teaches all that is claimed except for expressly teaching a clean area for containing the bin module, wherein airflows to the detection area, and a filtered transition area downstream of the diverter. Call, however, teaches that it is well known to place mail processing modules within a clean area (i.e., containment chamber) (Abstract; Fig. 1; para. 0108), wherein the clean area is filtered and has a negative pressure region to control airflow from the clean area (Fig. 1, near 926, 928, 932). Thus, as Lopez teaches that the contaminated mail is subject to further processing within an isolated area (para. 37, 47) and Call teaches the containment of the mail processing modules within a clean and filtered area to protect the surrounding environment from possible contamination (para. 0108), it logically follows that further mail processing should occur in a clean and filtered area. Further, it is implicit that the transition area would also be a filtered area within the containment area. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Lopez with a clean and filtered area to protect the surrounding environment from mail contaminants.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez et al. ("Lopez")(US Pub. No. '099) in view of Call et al. ("Call")(US Pub. No. '664)

as applied to claims 1-11 above, and further in view of what is well known in the art as demonstrated by Lohmann (US '936) and/or Hayduchok et al. ("Hayduchok")(US '889).

Lopez in view of Call as set forth above teaches all that is claimed except under an alternative interpretation the control system and multiple bin features may not be present. These features, however, are well-known in the sorting arts. For instance, Lohmann teaches the control system for scanning envelopes (col. 2, ln. 33 et seq.). Hayduchok teaches that the scanning and then sorting of letters into multiple bins is a common processing method for postal matter (col. 7, ln. 1 et seq.). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Lopez in view of Call as taught above as these are well known processing features in the mail sorting arts and the mail is likely to require further processing after being screened for contaminants.

(11) Response to Argument

Appellant argues that the final rejection of claims 1-17 is devoid of any factual or legal premise. Firstly, it is noted that only claims 1-11 are under final rejection and claims 12-17 do not exist.

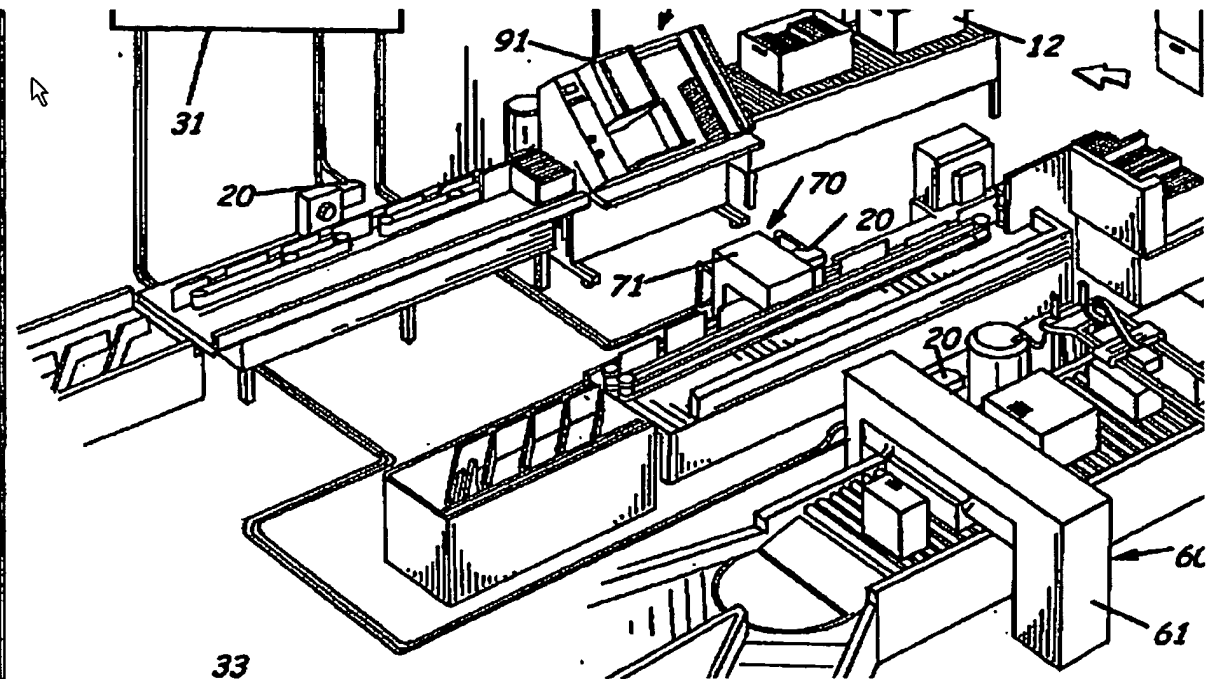
With respect to the argument that Call is not a proper reference, Call is entitled to the benefit of the filing date of prior copending U.S. provisional patent application 60/337,674, filed on Nov. 13, 2001, and therefore qualifies as a reference.

Appellant's argument that the combination of Call and Lopez fails to teach a filtered transition area downstream of the converter is unpersuasive upon review of the

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prior art. In particular, Lopez as discussed in the rejection set forth above already teaches the concept of a detection module and then routing the contaminated mail to a collection module that is isolated (See Lopez, Fig. 4, detection module 20; Fig. 1, box 110, 116; para. 37, stating that mail "can be sent to an isolation station"; para. 47, stating that the present invention also "provides for the creation of procedures 110, 116 to divert mail to bio-chem inspection procedures"). Call is merely relied on for the basic concept of surrounding the mail processing modules within a clean containment chamber that is filtered. To have a clean chamber, there must be a filtering area or else the contaminants would not be contained. Therefore, it is unclear how the teachings of Call would fail to produce a filtered transition area as Call clearly teaches establishing an entire area that is filtered. Thus, almost any area within the containment area suggested by Call could be regarded as a filtered transition area. Consequently, in view of the teachings of the prior art, Appellant's arguments are misplaced.

Appellant's additional argument that the combination of Call and Lopez fails to teach or suggest "determining a destination bin that is further used to expedite mail processing" is also misplaced. This limitation is not even part of claims 1 or 2 as Appellant merely claims determining a destination bin. Moreover, Lopez expressly teaches determining a destination bin (Fig. 1, near 108, 112 and Fig 4, as excerpted below, partition bins near end of letters and flats conveyors).

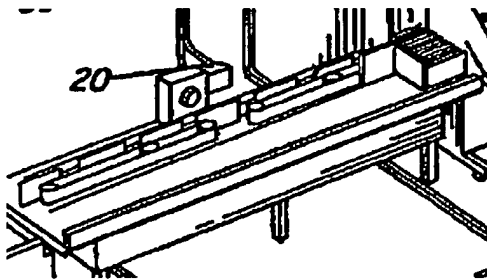


Therefore, as Appellant has again failed to appreciate the teachings of the prior art, the final rejection should be upheld.

Appellant's additional arguments that Call fails to teach screening or routing or fails to appreciate the problem of efficiently scanning for harmful materials are also misplaced. These arguments again fail to take into account the teachings of the Lopez reference that already anticipate the claim limitations regarding screening and routing (See Lopez, Fig. 1, diagram teaching multiple contaminant detecting sensors 20 for screening and mail sorters 108, 112, 115 for routing mail). Further, it is unclear how these arguments are germane to the issue of patentability under 35 U.S.C. 103(a) as Appellant is merely arguing that the prior art fails to focus on a benefit of Appellant's claimed invention. Therefore, Appellant's arguments are again misplaced and the final rejection should be upheld.

Appellant's additional cut-and-paste argument that the alternate rejection supplied by Examiner fails to establish a prima face obviousness rejection is also misplaced. The alternate rejection was merely supplied to demonstrate that a control system and sorting into multiple bins are well known in the mail sorting arts (Lohmann; col. 2, ln. 33 et seq.; Hayduchok, col. 7, ln. 1 et seq.). Moreover, a review of the prior art of record provides ample grounds for a prima face obviousness rejection. Therefore, Appellant's arguments are again misplaced and the final rejection should be upheld.

With regards to the arguments set forth in section C, Appellant's argument that the prior art fails to teach a feed path gap (claim 3) is without merit upon review of the prior art. In particular, the figure 4 excerpt shown below clearly shows a detection module with a gap positioned in front of a detector (20) that is positioned between two sets of guide walls/belts.



In view of the above, Appellant's argument is clearly without merit and the final rejection should be upheld.

With respect to the argument set forth in section D, Appellant's additional cut-and-paste argument that the prior art fails to teach a clean area for containing the bin module area (claim 11) is also misplaced. In the rejection set forth above, Call teaches the general concept of a clean area and the placement of mail processing modules

within this clean area and also teaches the use of filtering this area (Abstract; Fig. 1; para. 0108). Thus, it would seem obvious to one with ordinary skill in the art to place the bin modules of Lopez within a clear and filtered containment area to prevent contamination of the surrounding environment (Id.). Thus, Appellant has again provided arguments that fail to appreciate the teachings of the prior art. In view of the above, the final rejection should be upheld.

For the above reasons, it is believed that the rejections should be sustained.

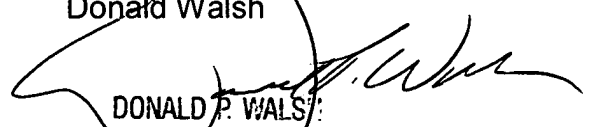
Respectfully submitted,

August 12, 2004

Conferees
Eileen Lillis
Donald Walsh




Donald Walsh


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Pitney Bowes Inc.
Intellectual Property and
Technology Law Department
35 Waterview Drive, P.O. Box 3000
Shelton, CT 06484